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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,366	07/10/2003	W. J. Jim Amoss JR.	P02154US (98246.1P)	1497
22920 7590 04/16/2007 GARVEY SMITH NEHRBASS & NORTH, LLC LAKEWAY 3, SUITE 3290 3838 NORTH CAUSEWAY BLVD. METAIRIE, LA 70002			EXAMINER KIM, SANG K	
			ART UNIT	PAPER NUMBER
			3654	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/617,366	Applicant(s) AMOSS ET AL.	
	Examiner SANG KIM	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 74,75 and 77-92 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 74,75 and 77-92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112 2nd Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 74-75 and 77-92 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 74, 81, 82, and 88 are indefinite and vague. What constitutes “automatic” hitches?

Claim 81 is indefinite and vague. It is unclear how claim 81 further limits the scope of the claim from which it depends, since claim 74 is reciting the same feature.

Claim 88 is indefinite and vague. It is unclear how claim 88 further limits the scope of the claim from which it depends, since claim 82 is reciting the same feature.

In so far as the claim is understood as any hitch is considered to be “automatic,” since applicant did not provide or point out any structural difference.

Claim 89 is indefinite and vague. What constitutes selecting containers from the ship in “the optimal order?”

Claim 90 is indefinite and vague. Which “equipment” is applicant referring to? Which resources are overloaded? What is considered to be the “next best pick”?

Claim 91 is indefinite and vague. How do you evaluate container dimensions, weight, type, hazardous cargo, oversize, sorting, etc.? Is applicant using some sort of sensors?

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Claim 92 is indefinite and vague. What constitutes "maintaining the barge trim and balance"?

In so far as the claims are understood as selecting any container is considered to be in "the optimal order" and a port with any gantry that can select any container and facilitate the container movement is considered to be a dynamic system.

Double Patenting

Applicant is advised that should claims 74-75 and 77-81 be found allowable, claims 82-88 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 74-75, 78-83, and 85-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joyce, U.S. Patent No. 3149733, in view of Landow, U.S. Patent No. 4190393.

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With respect to claims 74-75, 80-83, and 87-88, Joyce '733 shows a transshipping platform (i.e., a ship's platform); a plurality of cranes (23, 24) on the transshipping platform for transferring goods between an ocean-going vessel (81) and a barge (80) or other shallower-draft feeder vessel using the cranes on the transshipping platform, the cranes including a gantry crane with trolleys and hatch storage (i.e., using telescopic chute to gather goods and conveying it through the conveyor and storing into the hopper or using buckets 34, 35), and luffing boom cranes (17, 18) rotate and mounted on separate gantry frames with hatch storage (i.e., using the bucket hoppers for storage) see figure 3; bi-directional draw bar multi-trailers (i.e., using the rotating luffing boom cranes which can move up and down the rails 14, 15) for receiving containers/goods from the cranes and delivering containers/goods to the cranes, see figures 1-5.

Landow '393 explains yard tractors with hitches for moving the trailers, see abstract.

Joyce '733 discloses the claimed invention except for yard tractors with hitches for moving the trailers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide yard tractors to move the trailers as taught by Landow, in order to help transport the goods faster and organized manner.

With respect to claims 78-79 and 85-86, as stated above, Joyce '733 shows platform extensions (bow and stern portions of the deck, 10, 11), see figure 1.

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Claims 77, 84 and 89-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joyce and Landow, as applied to claim 74 above, and further in view of Lovell, U.S. Patent No. 1033602.

As stated above, Joyce and Landow does not show the system further comprising a multi-purpose container island.

Lovell '602 shows an MPC island (located near B2), see figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to move the system of Joyce '733 near a multi-purpose container island as taught by Lovell '602 to help transport the goods faster.

Response to Amendment

Claim 74 has been amended.

Claims 89-92 have been added.

Applicant's arguments with respect to claims 74-88 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that one of ordinary skill in the art would know what an "automatic" hitch is.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. In so far as the claim is understood as any hitch is considered to be

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“automatic,” since applicant did not provide or point out any structural difference between an “automatic” hitch vs. a “non-automatic” hitch.

Applicant argues that the claims 81 and 88, which depends from claims 80 and 87 respectively, are in a proper form and comply with 35 U.S.C. 112, second paragraph, since the method claims 80 and 87 can perform without ever using the yard tractors.

Examiner disagrees with the applicant because claims 80 and 87 clearly state the system of claims 74 and 82 respectively, and claims 74 and 82 recites the yard tractor features, which these features are being repeated in dependent claims 81 and 88. The system of claims 74 and 82 recites yard tractors positively and does not exclude or put it into an alternative form. Thus, the claims 81 and 88 are still indefinite and vague.

Applicant argues that the references do not show or describes bi-directional draw bar multi-trailers. Applicant refers the specification at page 18, lines 4-12, the bi-directional draw bar multi-trailers are useful in that allow a very narrow platform to be used (because the trailers are bi-directional, they can be pulled from either end without the need for them to be turned around).

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. For example, merely reciting “bi-directional draw bar multi-trailers,” without any structural difference does not patentably distinguish from the references since the

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references cited above can receive containers from the cranes and deliver containers to the cranes as same as "bi-directional draw bar multi-trailers."

The amended claim 74 with newly added claims 89-92 necessitated the new grounds of rejection as set forth above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford, can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

4/11/07


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER